

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

HAXANS WALDELL PALMER,)	
ID # 238641,)	
)	
Petitioner,)	
)	
v.)	
)	
MARIAN BROWN, ET AL.,)	
)	
Respondents.)	Civil Action No. 3:22-CV-86-C-BT

ORDER

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge therein advising the Court that Petitioner's petition should be DISMISSED as barred by limitations and deny the motion for an evidentiary hearing. Petitioner filed objections on January 31, 2023. Said objections are OVERRULED.

The Court conducts a *de novo* review of those portions of the Magistrate Judge's report or specified proposed findings or recommendations to which a timely objection is made. 28 U.S.C. § 636(b)(1)(C). Portions of the report or proposed findings or recommendations that are not the subject of a timely objection will be accepted by the Court unless they are clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

The Court has conducted an independent review of the Magistrate Judge's findings and conclusions and finds no error. It is therefore **ORDERED** that the Findings, Conclusions, and Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court. For the reasons stated therein, Petitioner's petition in the above-styled and -numbered civil action is

DISMISSED as time barred pursuant to 28 U.S.C. § 2244(d) and the motion for evidentiary hearing is denied.

Pursuant to Rule 22 of the Federal Rules of Appellate Procedure and 28 U.S.C. § 2253(c), this Court finds that a certificate of appealability is **DENIED**. Specifically, Petitioner has failed to show that a reasonable jurist would find: (1) this Court’s “assessment of the constitutional claims debatable or wrong,” or (2) “it debatable whether the petition states a valid claim of the denial of a constitutional right” and “debatable whether [this Court] was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

SO ORDERED.

Dated this 13th day of February, 2023.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE